



PATENT APPLICATION
THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Anthony V. Cruz

Serial No. 09/435,507-5322

Group Art Unit: 3749

J. G.
#6
3/9/2001

Filed: November 8, 1999

Examiner: S. Gravini

Docket No.: 0198

For: PORTABLE ELECTRIC HAIR DRYER AND MOUNT

RECEIVED

Assistant Commissioner of Patents
Washington, D.C. 20231

FEB 27 2001

TECHNOLOGY CENTER R3700

INFORMATION DISCLOSURE STATEMENT AND
RESPONSE TO EXAMINER'S ACTION OF SEPTEMBER 11, 2000

Sir:

Information Disclosure Statement

As a means of complying with the duty of disclosure as set forth in 37 CFR §1.56, it is requested that the examiner consider the references listed on the two sheets of Form 1449 submitted herewith.

Reference AA shows a design for a hair dryer and mounting assembly that appears to include a mechanism in the mounting assembly that could move a switch operator on the front of a hair dryer handle when the hair dryer is mounted on the wall mount.

Reference AB shows an appliance (a flashlight) and a wall mount therefor. The flashlight and the wall mount are so constructed that the flashlight, if turned on when placed in the wall mount, will be automatically turned off by forced movement of a switch operating member.

Reference AR is a collection of photographs prepared for

02/20/2001 09:00:00 00000009 09435507
02 FC:126

Anthony V. Cruz
Serial No. 09/435,507-5322

this Information Disclosure Statement of a hair dryer and wall mounting assembly which is admitted to be prior art. The wall mount includes outwardly projecting triangular plates that enter into slots in the handle of the hair dryer, forcing a switch to be moved to the off position if one should mount the hair dryer on the mount when the hair dryer is turned on.

Response to Examiner's Action

Reconsideration of this application is requested.

This application was filed with 16 claims. Of these, claims 1-5, 8-12, 15 and 16 were rejected under 35 U.S.C. 102(b) as being anticipated by Andis, US patent 5,590,475, and anticipated by Picozza et al., US patent 6,026,590. The remaining claims 6, 7, 13 and 14 were rejected under 35 U.S.C. 103, as being unpatentable over Andis or Picozza et al. in view of Chan, US patent 5,857,263.

The claims are presented without amendment because they are believed allowable over the art of record. Claim 1, which is the only independent claim in the application, recites a portable electric appliance having a handle with a power switch including an operating member which can be manually moved into a position to open the switch to deenergize the appliance. Claim 1 further recites a wall mount comprising a one piece, molded plastic body having a front face having a switch-engaging surface portion adapted to engage the switch operating member to open the switch if an attempt is made to assemble the appliance onto the wall

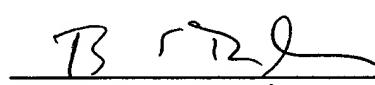
Anthony V. Cruz
Serial No. 09/435,507-5322

mount when the power switch is closed.

Claim 1 is not fully anticipated by Andis, which provides a cradle for closing a switch operating member, and does not disclose a wall mount "having a front face, said front face having a switch-engaging surface portion adapted to engage said switch operating member..." as recited in claim 1. Claim 1 is not anticipated by Picozza, which does not even disclose a switch operating member on an appliance handle and, a fortiori, does not have a switch-engaging surface on the front face of a wall mount. Accordingly, the rejection of all of claims 1-5, 6-12, 15 and 16 under 35 U.S.C. 102(b) was improper and should be withdrawn.

The Chan '263 patent does not teach any modification of Andis or Picozza which would overcome the shortcomings of Andis and Picozza mentioned above. Although Chan shows an appliance with a switch-operating member on a handle, the switch operating member is not engaged by the mounting member. Therefore, the rejection of claims 6, 7, 13 and 14 should also be withdrawn.

Respectfully submitted,



Roger S. Dybvig
Registration No. 19,319
22 Green Street
Dayton, Ohio 45402
(937) 461-1142